

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA)	
vs.)	CRIMINAL ACTION 10-00278-CG-N
)	
GENERAL BETTS, JR.,)	
Defendant.)	

ORDER

This matter came before the Court for a hearing on Defendant's "Motion to Continue" trial which is presently set for jury selection on Monday, January 31, 2011 and for trial beginning in February 2011. (Doc. 22). Defendant move the Court to continue his trial because new defense counsel, Tiffany B. McCord, was recently retained¹ and she needs additional time to prepare and adequate defense for Defendant Betts.

Upon consideration of the motion and the grounds stated at the hearing, the Court finds that the Defendant will not be unduly prejudiced by a continuance to the next trial term. The Court also finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), "the ends of justice served by taking such action outweighs the best interest of the public and the defendant in a speedy trial." Specifically, the Court finds that the Defendant's request for additional time to adequately prepare her defense, is reasonable under the circumstances. 18 U.S.C. § 3161(h)(7)(B)(iv) (identifying as a factor for consideration, the issue of "[w]hether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii) . . . would deny counsel for the defendant or the attorney for the

¹ Tiffany McCord filed a Notice of Appearance on January 26, 2011. (Doc. 23). Prior counsel, CJA attorney Fred Tiemann, filed a Motion to Withdraw based on Defendant having retained new counsel. (Doc. 26). Mr. Tiemann's Motion to Withdraw was subsequently granted. (Doc. 28).

Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.”)

For purposes of the Speedy Trial Act, any delay resulting from this continuance is excludable pursuant to 18 U.S.C.A. § 3161(h)(7)(A) (excluding “[a]ny period of delay resulting from a continuance granted by any judge . . . if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.”).

Defendant has filed a written waiver of his right to a speedy trial, by submitting same in open court at the hearing.

Accordingly, it is **ORDERED** that the Motion to Continue Trial (Doc. 22) is **GRANTED** and this case is hereby **CONTINUED** to the **March 2011 criminal trial term** with jury selection commencing at **8:45 a.m.** on **February 28, 2011**.

The Clerk of the Court is **DIRECTED** to refer this matter to the appropriate Magistrate Judge for the scheduling of a new pretrial conference in February 2011.

DONE and ORDERED this the 27th day of **January 2011**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE